

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE : There is one Extraordinary issue to the Official Gazette, Series I No. 17 dt. 27-7-95 namely Extraordinary dated 31-7-95 from pages 181 to 182 regarding Notifications from Urban Development Department and Finance (Revenue and Control) Department.

GOVERNMENT OF GOA

LEGISLATURE SECRETARIAT

LA/B/1930/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 20-7-95 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 21st July, 1995.

The Goa Shops and Establishments (Amendment) Bill 1995

(Bill No. 19 of 1995)

A

BILL

further to amend the Goa, Daman and Diu Shops and Establishments Act, 1973.

Be it enacted by the Legislative Assembly of Goa in the Forty sixth Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Goa Shops and Establishments (Amendment) Act, 1995.

(2) It shall come into force at once.

2. *Amendment of section 2.* — In section 2 of the Goa, Daman and Diu Shops and Establishments Act, 1973 (Act 13 of 1974) (hereinafter referred to as the 'principal Act'), in clause (2), for the word "twelfth", the word "fourteenth" shall be substituted.

3. *Amendment of section 61.* — In sub-section (1) of section 61 of the principal Act, in clause (a), for the words "one thousand six hundred rupees", the words "two thousand five hundred rupees" shall be substituted.

Statement of Objects and Reasons

It is proposed to amend clause (2) of section 2 of the Goa, Daman and Diu Shops and Establishments Act, 1973 so as to raise the age of child from twelve years to fourteen years in order that the same may be in conformity with the provisions of various Central Acts.

It is also proposed to amend section 61 of the Act, 1973 so as to increase the existing limit of Rs. 1,600/- to Rs. 2,500/- so that major bulk of the existing labourers may get the benefits of the various Labour Welfare Schemes.

This Bill seeks to achieve the above object.

Financial Memorandum

Of late it is observed that there is a sustained rise in the wages of the employees due to rise in the general price level in the Country. As a result the benefit of the various Labour Welfare Schemes and penal provisions for violation of the various Labour Enactments cannot be extended to the Labourers who are getting more than Rs. 1600/- per month. It is therefore, proposed to extend the existing limit of Rs. 1600/- to Rs. 2500/- so that major bulk of the existing labourers will be benefited. On account of this amendment, there will be definite rise in registration fees and penalty amount under the Act. As a result the State is expecting additional revenue to the tune of Rs. 1,00,000/- per annum without any additional expenditure for enforcement of the provisions in respect of the proposed amendment.

Panaji,
14th July, 1995.

LUIZINHO FALEIRO
Minister for Labour

Assembly Hall,
17th July, 1995.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

Governor's recommendation under Article 207 of the Constitution.

In pursuance of Clause (1) and (3) of Article 207 of the Constitution, the Governor of Goa recommended to the introduction of the Goa Shops and Establishments (Amendment) Bill, 1995.

(Annexure to Bill No. 19 of 1995)

The Goa Shops and Establishments (Amendment) Bill, 1995

The Goa, Daman and Diu Shops and Establishments
Act, 1993

(Act No. 13 of 1974)

1. Definitions — (2) "Child" means a person who has not completed his twelfth year of age.
2. Section 61 — (a) employees in any establishments whose average monthly wages exceed one thousand six hundred rupees:—

Assembly Hall,
Panaji-Goa.ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

LA/B/1930/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 20-7-95 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 21st July, 1995.

The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 1995

(Bill No. 20 of 1995)

A BILL

further to amend the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1964.

Be it enacted by the Legislative Assembly of Goa in the Forty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Act, 1995.

(2) It shall come into force at once.

2. *Amendment of section 3A.* — In section 3A of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1964 (Act 2 of 1965) (hereinafter referred to as the 'principal Act'), for the words "three hundred rupees", the words "seven hundred rupees" shall be substituted.

3. *Insertion of new section 3AAA.* — After section 3AA of the principal Act, the following shall be inserted, namely:—

"3AAA. *Constituency allowance.* — Notwithstanding anything contained in any other law for

the time being in force, there shall be paid to each Member a constituency allowance at the rate of one thousand and five hundred rupees per month.

4. *Amendment of section 7A.* — In section 7A of the principal Act, for the letters, figures and words "Rs. 500/- per month", the letters, figures and words "Rs. 800/- per month" shall be substituted.

Statement of Objects and Reasons

In the last Session of the Legislative Assembly, there was a resolution moved by one of the Members of the Legislative Assembly about providing well equipped office for the M.L.As. in their constituency and the Hon'ble Minister for Law had assured the House that he would consider the entire issue of Salary, Allowances and re-structure it. In furtherance of assurance given by the Hon'ble Minister for Law, a comparative study of salary structure and other benefits provided to the Members of the Legislative Assembly in the other States has been considered by the Government. And in view of inflation and other factors and to mitigate the hardships of M.L.As., it is proposed to suitably amend sections 3A and 7A of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1964, so as to provide for payment of enhanced allowances; etc., to the Members of the Goa Legislative Assembly. It is also proposed to grant constituency allowance at the rate of Rs. 1500/- per month to the Members of the Goa Legislative Assembly.

This Bill seeks to achieve the above object.

Financial Memorandum

In view of Resolution moved by one of the M.L.As, for providing well equipped office for M.L.As in the constituency, the Hon'ble Minister for Law had informed the House that he would consider the entire issue of salary, allowances and re-structure it. Taking the above aspects into consideration, it is proposed to amend sections 3A and 7A of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1964, thereby enhancing the consolidated allowance of Rs. 300/- per month to Rs. 700/- per month, telephone allowance of Rs. 500/- per month to Rs. 800/- per month. It is also proposed to effect payment to each Member of the Assembly, a constituency allowance to the tune of Rs. 1500/- per month.

The annual financial implications on this account will be Rs. 15,00,000/- approximately as against the existing amount of Rs. 8,00,000/-.

Memorandum regarding Delegated Legislation

No delegated Legislation is envisaged in this (Amendment) Bill.

Panaji,
18th July, 1995.DOMNICK FERNANDE
Law MinisterAssembly Hall,
19th July, 1995.ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

Governor's recommendation under Article 207 of the Constitution.

In pursuance of Article 207 of the Constitution, the Governor of Goa has recommended to Legislative Assembly of Goa, the introduction and Consideration of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 1995.

(Annexure to Bill No. 20 of 1995)

The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 1995

The Goa, Daman and Diu Salaries and Allowances of Members of Legislative Assembly Act, 1964

(Act No. 2 of 1965)

Section 3A *Consolidated Allowance*. — A member shall be during his term of office entitled to receive consolidated allowance at the rate of three hundred rupees per month to cover conveyance, postage, stationery and constituency expenses.

Section 3A.A. *Motor Car Advance*. — There shall be paid to a member, by way of repayable advance, such sum of money and subject to such conditions, as may be prescribed.

Section 7A. *Telephone facilities*. — Where telephone facilities are available at the place declared by Member to be his head-quarters, he shall be entitled to have a telephone at his residence or at the place where he ordinarily conducts his work relating to the Assembly subject to the condition that he shall meet the cost of the installation of such telephone in full and that, in regard to the recurring charges he shall be entitled to telephone allowance of Rs. 500/- per month.

Assembly Hall,
Panaji,
19th July, 1995

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa

LA/B/1937/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 21-7-95 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 24th July, 1995.

The Goa Municipalities (Amendment) Bill, 1995

(Bill No. 21 of 1995)

A

BILL

further to amend the Goa Municipalities Act, 1968.

Be it enacted by the Legislative Assembly of Goa in the Forty-sixth Year of the Republic of India as follows: —

1. *Short title and commencement*. — (i) This Act may be called the Goa Municipalities (Amendment) Act, 1995.

(ii) It shall be deemed to have come into force with effect from the 1st day of April, 1995.

2. *Amendment of section 9*. — In section 9 of the Goa Municipalities Act, 1968 (Act No. 7 of 1969):—

(i) in sub-section (1), in clause (ii), the expression "and the Members of the Legislative Assembly of Goa" shall be deleted;

(ii) after sub-section (1), the following new sub-section shall be inserted, namely:—

"(1A) Every member of the State Legislative Assembly representing a Constituency which comprises wholly or partly the municipal area shall be deemed to be a Councillor without a right to vote, so long as he continues to be a Member of the Legislative Assembly".

Statement of Objects and Reasons

The Goa Municipalities Act, 1968 which governs the constitution of a Municipal Council empowers the Council to co-opt Member of Legislative Assembly of the area as a Councillor. Thus, the co-option of Member of the Legislative Assembly is at the discretion of the Council and a Municipal Council may choose not to co-opt the sitting Member of the Legislative Assembly of the area. A sitting Member of the Legislative Assembly representing a Municipal area should invariably be on the Municipal Council to ensure proper development of the area comprised within the Municipal Council.

This Bill seeks to achieve the purpose.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
19th July, 1995.

ALEIXO SEQUEIRA
M.L.A.

Assembly Hall,
Panaji,
19th July, 1995.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 21 of 1995)

The Goa Municipalities (Amendment) Bill, 1995

The Goa, Daman and Diu Municipalities Act, 1968

(Act No. 7 of 1969)

Section 9. — (1) Save as otherwise provided by this Act every Council shall consist of Councillors elected at ward elections; and shall also include Councillors co-opted by the elected Councillors in the prescribed manner, from amongst persons who are entitled to vote at the Municipal election and who,—

(i) have special knowledge and experience in municipal administration;

(ii) are members of the House of the People and the members of the Legislative Assembly of Goa representing the constituencies which comprise wholly or partly the municipal area concerned;

(iii) are members of the Council of State and are registered as electors within the municipal area;

Provided that the persons referred to in clause (i) shall not have the right to vote in the meetings of Council:

Provided further that —

(i) in every Council, not less than one third seats shall be reserved for women;

(ii) in every Council, seats shall also be reserved for the Scheduled Castes and the Scheduled Tribes and for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes as provided in sub-section (2);

(iii) the total number of co-opted Councillors shall not exceed ten percent of the number of elected Councillors fixed under sub-section (2), and in determining such number, a fraction shall be ignored;

Assembly Hall,
Panaji,
19th July, 1995.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

LA/B/1951/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 24-7-95 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 25th July, 1995.

The Goa Members of the Legislative Assembly (Special Rights) Bill, 1995

(Bill No. 22 of 1995)

A

BILL

to confer special rights on Members of the Legislative Assembly of the State of Goa who are serving in Government aided educational institutions.

BE it enacted by the Legislative Assembly of the State of Goa in the Forty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Members of the Legislative Assembly (Special Rights) Act, 1995.

(2) It shall be deemed to have come into force with effect from the 1st day of April, 1995.

2. *Definition.*— In this Act, the terms and expressions used but not defined in the Act, shall have the same meaning as assigned to them under the respective enactment as in force.

3. *Special rights of Members of the Legislative Assembly.*— (1) Where an elected Member of the Legislative Assembly of the State of Goa is, on the date of his election, employed in a Government Aided Primary, Middle, Secondary or Higher Secondary Educational Institution, then, if, —

(a) elected by the Legislative Assembly as the Speaker or Deputy Speaker thereof; or

(b) appointed as a Minister under Article 164 of the Constitution of India or recognised as Leader of Opposition; or

(c) appointed as chairman of any Government Undertaking;

he shall be entitled to a special leave without pay from the concerned educational institution till he continues to hold such office and shall, on giving a notice of holding of such office, be deemed to be on special leave from the educational institution in which he was so employed from the date of such election, appointment or recognition, as the case may be.

(2) If the provision of sub-section (1) is not applicable to any such Member, he shall be granted special leave without pay by the educational institution to attend to the Business of the Legislative Assembly for such period as may be specified in a certificate to be issued by the Speaker of the Legislative Assembly.

(3) Any leave granted to a Member of the Legislative Assembly by the educational institution under the provisions of this section shall be deemed as period spent on duty for the purposes of retirement benefits as also for determination of his seniority in the educational institution.

4. *Act to override other laws.*— The provisions of this Act shall have effect notwithstanding anything contained in the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985).

Statement of Objects and Reasons

It has been observed that Members of the Legislative Assembly who are employed in Government aided educational institutions are facing certain hindrances in the discharge of their duties as representatives of the people vis-a-vis the grant of leave of absence to such Members by the managements of such educational institutions.

In order to obviate these hindrances, it is proposed to confer certain special rights on Members of the Legislative Assembly who are serving in Government aided educational institutions.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
21st July, 1995.

DOMNICK FERNANDES
Law Minister

Assembly Hall,
21st July, 1995.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.